

30 March 1959

POSITIONS OF THE POWERS ON BERLIN AND GERMANY

STATUS OF THE CITY OF BERLIN

Soviet Position: Essence: The Western powers should withdraw from Berlin.

The Soviet Union proposes that West Berlin be made a free, demilitarized city, independent of both German states. The UN can participate in observing the free city status, which would be respected by the four powers plus the two Germanies. As a free city, West Berlin would not permit on its territory hostile and subversive activities directed against the GDR or any other state.

While the Soviets at first demanded that all foreign troops be evacuated from the proposed free city and declared that the West had lost its right to be in Berlin, Khrushchev on 9 March said that a minimum number of troops of the Western powers, plus the USSR, or neutral troops, could be stationed in a free West Berlin. On 20 March, he acknowledged the legal right of the Western powers to be in West Berlin due to the capitulation of Germany; however, he also stated that a peace treaty between the GDR and the Soviet Union would automatically cancel this right.

It is unlikely that the Soviets will agree to the inclusion of East Berlin in a free city scheme.

Working Group Report. Essence: The Western powers should not withdraw.

Any settlement should permit the Western occupation troops to remain in West Berlin. The present basis of our right to be in Berlin, i.e., the right of conquest, should be maintained. The Working Group took note of some possible new arrangements for Berlin, while at the same time criticizing these suggestions and making the point that the

present status is satisfactory. For example, the West might agree to terminate the occupation status of Berlin in return for a formal quadripartite agreement giving the West the right to be there and maintain access. The West might suggest reunifying Berlin on the basis of free elections. Or the West might propose that West Berlin become a Land of the Federal Republic. The Working Group felt that the problem should be settled on a Four Power basis rather than a UN basis, although, as a last resort, the UN might participate.

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French View

The French seem to give very little consideration to the possibility of any different status of Berlin, seeming determined to preserve the present arrangements.

West German View

Bonn probably will be hard to convince that there is any other acceptable status for Berlin than the one we have now. Certainly

it is not pushing any new plan, although individual CDU members (like Heck and Guttenberg) feel that a UN solution might work.

US View

The US is probably not seriously considering any change in the status of the city.

ACCESS TO WEST BERLIN

Soviet Position. Essence: Travellers to and from Berlin will have to deal with the East Germans

Strictly speaking, Soviet statements on Western access conflict with the demand that the West evacuate Berlin. However, shortly after the demilitarization demand made in November, various Soviet statements made it clear that the USSR recognized this might not be achieved, and accordingly proposals on future access were made. The Western powers would have to come to arrangements with the GDR (though there was no formal demand for de jure recognition of the GDR). From Pankow, various authoritative statements were made that no difficulties were to be expected.

Originally (Nov 27), turnover of controls would occur after six months. Subsequently, Soviet spokesmen, including Khrushchev, have made this turnover contingent upon a peace treaty; if necessary, a Soviet-GDR treaty. The six-month "deadline" is now disavowed.

Both the Soviets and East Germans have declared that, once a turnover of functions occurs, if the West tries to force its way to Berlin, the East will retaliate with force.

Working Group Report. Essence: Not dealing with the East Germans is best, but we might deal with them.

Observing that the present arrangements are satisfactory, the Working Group suggested alternatives. The two which it characterized as "the most acceptable" were these: The West would accept a formal

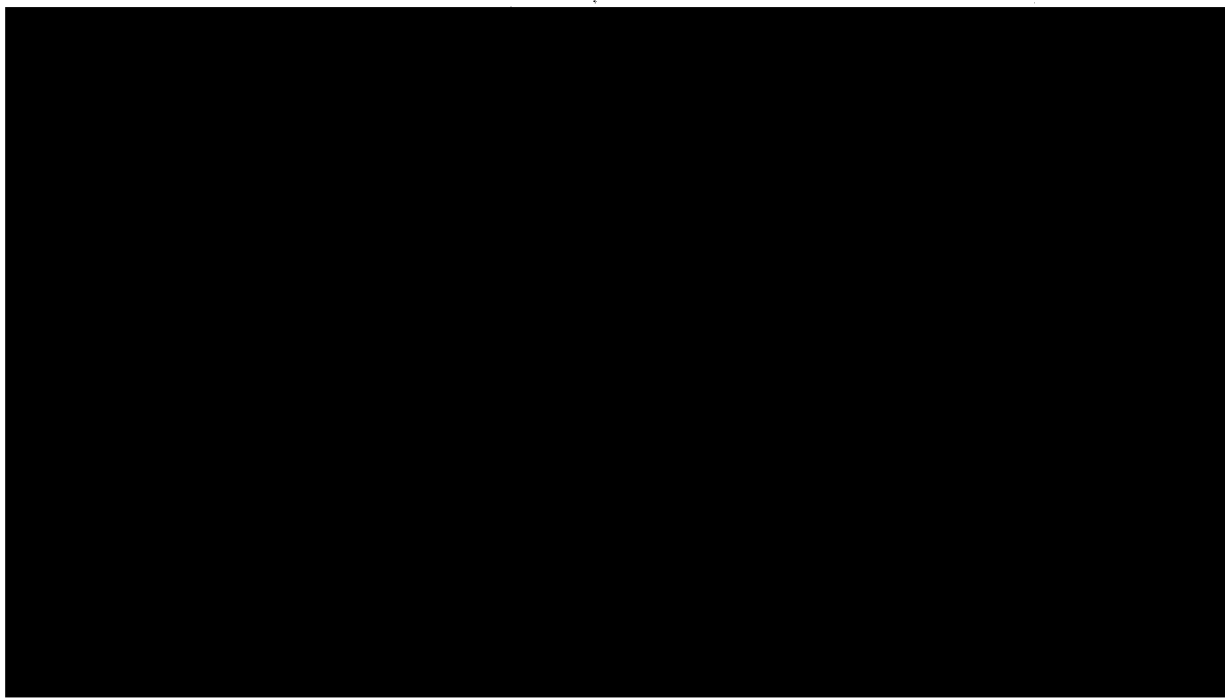
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assignment of Soviet obligations to the GDR provided that the West does not have to recognize the GDR, and the USSR and GDR both guarantee that the obligations will continue to be carried out for a stated period of time, e.g., till Berlin is the capital of a united Germany.

The second possibility is a formal declaration by the GDR that it will guarantee us access until Berlin becomes the capital of a united Germany, notice of this declaration being conveyed to us by the USSR.

Obviously, in both of these courses, the West would deal with the East Germans once the guarantees were given.

The Group also noted that the UN might exercise responsibilities on the access routes.



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French View

25X6 The French, De Gaulle in particular, have been the most adamant of our Allies on the matter of maintaining access. De Gaulle has made numerous statements [REDACTED] to the effect that we should identify our vehicles as Allied, concede nothing further to the East Germans, and continue on through to Berlin. In his only public statement, on 25 March, he strongly warned the Communists against impeding our access. [REDACTED]

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West German View

Bonn officials believe that the West must maintain access to Berlin, but they prefer to leave methods to the three Western powers. When the crisis arose, officials frequently counselled against dealing with the East Germans, but they did not endorse an alternative--continuing without permission, or taking to the air. [REDACTED]

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US View

The US, not wanting to deal with the GDR, would prefer to test Communist reaction to Allied travel without East German permission before resorting to any other expedients. If our Allies will not approve this course, however, it seems that the US might be willing to deal with the East Germans if the GDR is willing to guarantee our access.

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GERMAN REUNIFICATION AND SECURITY MEASURES

Soviet Position. Essence: Unification is not four-power business. European security is a topic independent of others. Some security measures should be taken.

The USSR has repeatedly stated that German reunification is not a subject for four-power negotiation, but rather for the two Germanies alone. The USSR, however, recommends reunification via confederation, and endorses Pankow's proposals in this regard. The most authoritative statement is that of Ulbricht on 17 January, in which he proposed:

1. Formation of a 100-member all-German Council on a parity basis, the members to be named by the two parliaments from among parliamentary deputies.
2. The Council is to elect its presidium, whose initial duties will be to sign a peace treaty on behalf of the confederation and enter into contact with other signatories re the implementation of the peace treaty. Subsequently, the presidium could negotiate with foreign states on such issues as foreign trade, shipping, and access to world markets and international organizations.
3. The Council is to deal with such GFR-GDR relations as abolishing conscription in the Federal Republic, putting a ceiling on armed forces, and economic matters (intra-German trade, financial, settlements, transport, social insurance, etc.). Commissions are to be formed for these purposes.
4. The Council will have the right only to recommend to the two governments, which will retain their sovereignty.
5. The Council is to have only temporary existence. It will prepare all-German elections and draw up a constitution for a united German state. Confederation will lapse when the peace treaty provisions have been carried out, reunification has occurred, and all-German elections have been held.

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In respect to European security, the USSR has over the years made a barrage of proposals, all of which remain outstanding, concerning troop withdrawals, arms limitations, general (inter-Bloc) security pacts, and base evacuations. The latest official statement, in the 2 March note, is another grab-bag containing the following:

1. reciprocal pullback of troops and establishment of a nuclear weaponless zone and a zone of disengagement between the NATO and Warsaw Pact forces;
2. reduction of forces of the four great powers on the territory of other states;
3. prohibition of atomic and hydrogen weapons, and test cessations;
4. "and so on."

Working Group Report. Essence: Unification is four-power business, and should go hand-in-hand with security measures.

Though the Four Powers are responsible for German unification, certain changes can be made in the past Western formula in order to take into account the Soviet contention that the Germans themselves ought to organize their elections, and the Soviet criticism that under the Western plan the West Germans would impose their will on the East Germans, wiping out the latter's "social achievements". An all-German commission could run elections, and the East German Laender could have the right to retain "social achievements".

The Working Group developed a four-stage plan for Unification and Security as follows:

STAGE I

The Four Powers would set up a commission to deal with reciprocal complaints concerning Berlin and Germany.

The Four Powers would make a declaration that they will settle their disputes by peaceful means, that they will not transfer nuclear warheads into the custody of countries in a Special Security Area (all of Germany, Poland, Czechoslovakia, and possibly Hungary), and

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that they are in process of adjusting their armed forces to these levels: France and UK 750,000 each; US and USSR 2,500,000 each. (France has not agreed) The Four Powers would also say that they are not stationing INERs in the Special Security Area. (US has not agreed.)

STAGE II

With Stage I finished, the German unification plan could get under way. These would be the steps:

An all-German Committee would be formed of 2 representatives from each of the ten West German Laender and each of the five East German Laender, plus one representative from West and East Berlin. The Committee would have no executive authority, but would coordinate technical contacts and would formulate principles for free and direct election of an all-German Council.

One year after the convening of the Committee, popular elections would take place in the Laender for an all-German Council. Prior to the election there would be free movement of people, ideas, and publications. Each Land would have 3, 4, or 5 representatives, according to population. The Council would make decisions by a two-thirds majority. It would carry on the coordination of technical contacts and would formulate a draft law for elections to an all-German assembly, as well as a law to establish the authority of a provisional government to be set up. The Council would also develop principles for a popular referendum on the two laws.

One year after the formation of the Council, the popular referendum on the two laws would take place. If approved, the laws would go to the Four Powers for their approval.

During this Stage, certain security measures would be taken with respect to surprise attack protection. (French have not agreed.) An exchange of information on military forces in the Special Security Area would be undertaken. After agreement on an inspection system, the countries in the Special Security Area would pledge not to produce ABC weapons.

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STAGE III

A few months after the referendum on the two laws, and about 30 months after the unification process started, elections for an all-German Assembly would be held.

The Assembly would start drafting a constitution, and a provisional all-German government would be set up, replacing the Bonn and Pankow governments. This provisional government would enjoy freedom of alliance, and would enter into negotiations with the Four Powers on a peace treaty.

At the time this government was formed, ceilings would go into effect on the armed forces of all countries in the Special Security Area, and the Big Four would agree to limit their own forces in this Area. Moreover, upon the installation of an inspection system, the Four Powers would reduce their armed forces to the following levels: France and UK 700,000 each; US and USSR 2,100,000 each. When compliance has been verified, the Big Four would further reduce their forces to these levels: France and the UK 650,000 each; US and USSR 1,700,000 each. (France has not agreed.) The levels for other essential states would also be negotiated.

If Germany chose to join an alliance, the disposition of its military forces might be regulated. If Germany decided to join a collective security pact, the Four Powers would be ready to join other parties in a treaty of assurance, and agree also not to advance their forces beyond the former interzonal border.

STAGE IV

The peace treaty will be signed by the all-German government with all the states that were at war with Germany.

The US has a simpler version of the above plan. The US plan would provide for unification to be achieved within three years. A Commission would be formed of two delegates from each Land in East and West Germany,

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plus Berlin. The chief tasks of the Commission would be to draft an electoral law (which would guarantee freedom of elections) and a constitution. The Commission would make decisions by a two-thirds vote. The constitution would establish a German Federal Union, leaving social and economic matters to the Laender legislatures. The constitution would be approved by the Four Powers, and then by the people. During the three-year period pending the implementation of the constitution, the Commission would coordinate technical matters of common GDR-GFR concern.

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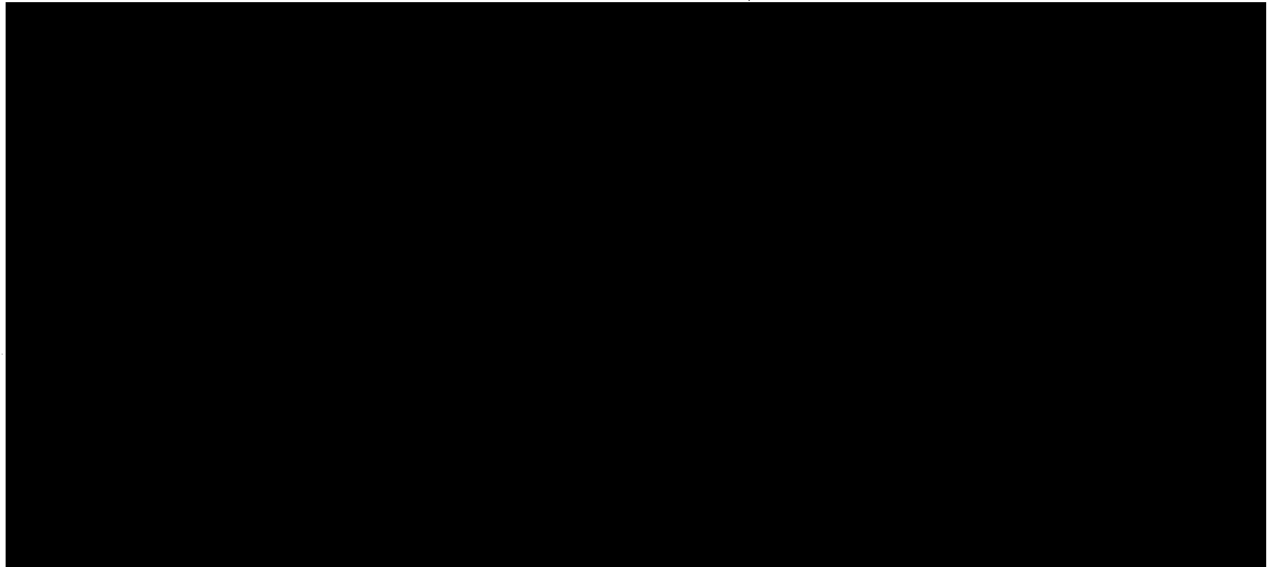
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US View

Washington presumably is interested in effecting German unification on the basis of free elections and freedom of alliance. It does not want to leave Germany divided, nor does it want to unite Germany on a basis of non-alliance.

The US, moreover, has never been in favor of security measures which do not lead to more general disarmament or to political benefits.

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PEACE TREATY

Soviet Position. Essence: A peace treaty without unification.

In its note of 10 January, the USSR called for a peace treaty between all opponents of Nazi Germany (including Communist China) and the two German states plus (not or) any confederation which had in the meantime come into being. Moscow said that a treaty should be worked out at a conference to be convened within two months (this deadline passed without note on 10 March).

Major Provisions of the Treaty:

1. Withdrawal of both Germanies from their military pacts and the prohibition of any military alliances of which all Four Powers are not members;
2. Recognition of the existing German frontiers;
3. Guarantee of personal freedoms;
4. Unhampered activity of political parties except for
 - a. Nazi and revanchist parties;
 - b. All organizations, including emigrant bodies, which conduct hostile activity against treaty signatories. (It is also forbidden to grant political asylum to persons affiliated with such organizations);
5. Promise to forswear force in seeking reunification;
6. Pending reunification, West Berlin is to be a demilitarized free city;
7. German land, air, and naval forces are needed for national defense, with the following prohibitions:
 - a. No production, acquisition, or experimentation with ABC weapons;
 - b. No rockets, guided missiles, or launching/guiding installations;
 - c. No bomber aircraft or submarines;

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8. Withdrawal of foreign troops within one year or within agreed time limits; in the latter case, a one-third reduction to be accomplished within six months;

9. Closing of foreign bases upon withdrawal of troops and subsequent prohibition against foreign troops or bases.

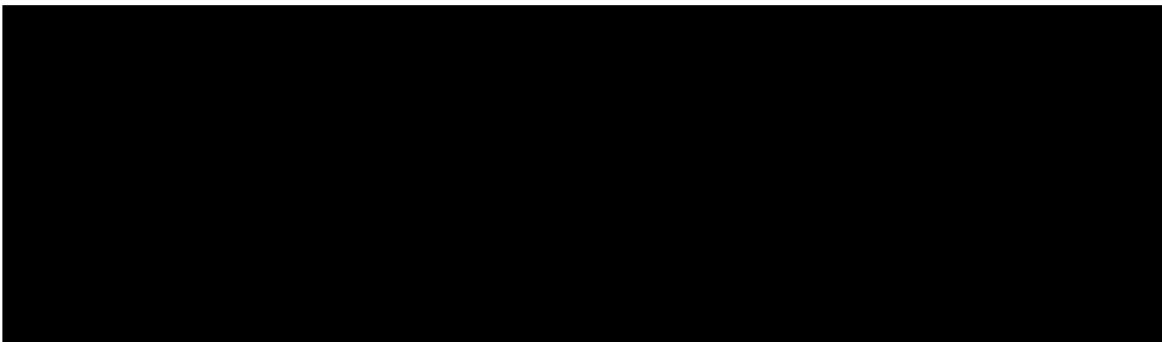
The Soviet Union and East Germany have repeatedly threatened to sign a "separate" peace treaty, in the event that a peace treaty acceptable to both German states cannot be found. However, there was no mention of a Soviet-GDR peace treaty in the Soviet-East German communique which resulted from Khrushchev's March visit to the GDR.

Working Group Report. Essence: A peace treaty only after unification.

While adhering to the standard Western position that a peace treaty can be signed only with an all-German government, the Working Group felt that negotiations might be conducted before German unification, subject to the overriding proviso that the position of an all-German government is reserved.

The Working Group, however, was not able to reach any decision as to whether the West should put forth a draft peace treaty or even a statement of principles to govern a treaty. It felt that "in the present circumstances," it is difficult for the Western Powers to make proposals on frontiers or the political or military status of a united Germany.

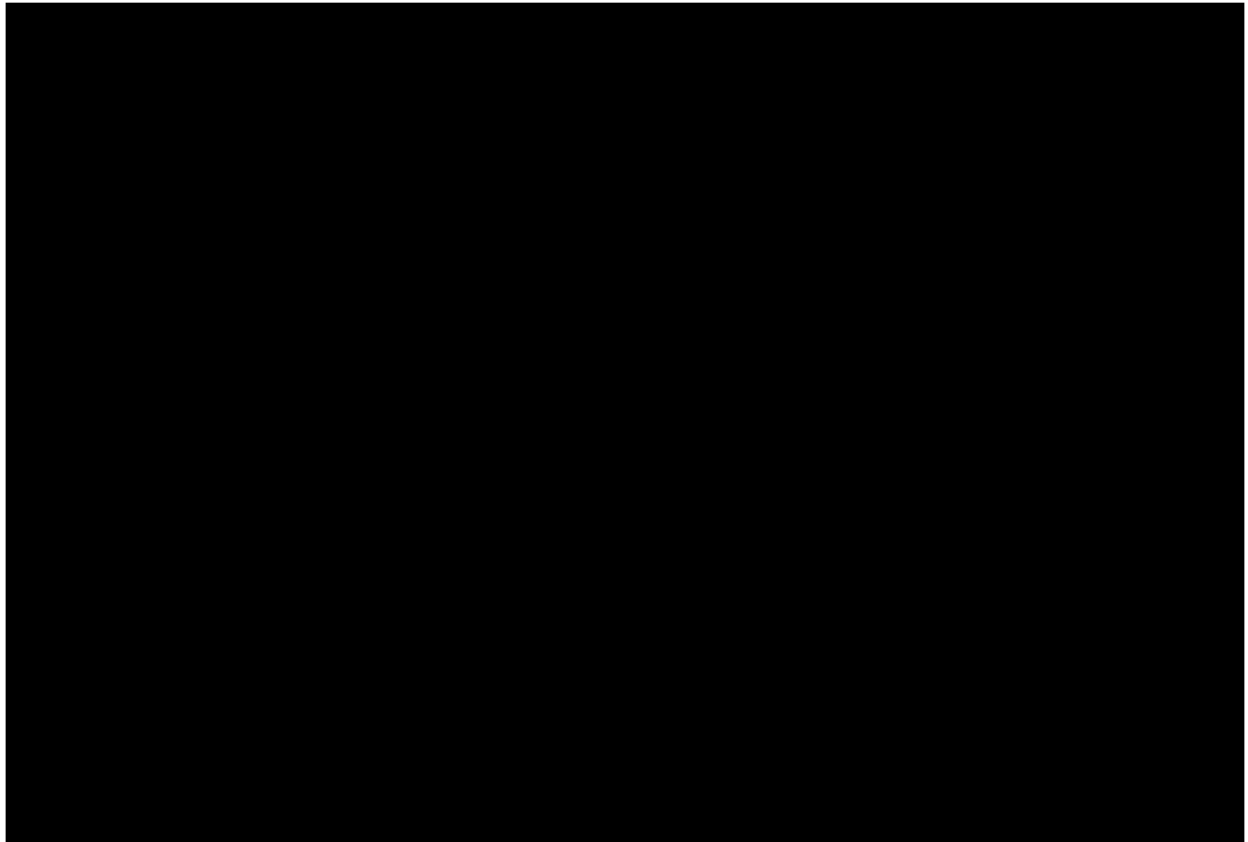
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CONFERENCES

Soviet Position.

On 19 March, Khrushchev accepted a foreign ministers' conference for 11 May. The USSR has indicated that it wants representatives of both German states, Poland and Czechoslovakia, as well as the foreign ministers of the Big Powers, to participate in the proposed conference. The agenda, in the Soviet view, would be Berlin and a German peace treaty.

Although the Soviet Union has agreed to a foreign ministers' meeting, it evidently is intent on a four-power summit conference. There, the Soviets would probably agree to discuss a wider range of problems.

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Western Position.

The Western Powers have proposed a foreign ministers' conference for 11 May in Geneva. East and West Germans would be present as consultants, and Polish and Czech representatives would be there in the "later stages" in which European security rather than Germany would be discussed.

With differences on emphasis, the individual Western Powers have indicated that they would be willing to enter a four-power summit meeting in the summer. They intend to express their thoughts on German unification, regardless of the Soviet attitude.

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